

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
)
City Signal Communications, Inc.)
Petitioner)
)
v.)
)
City of Cleveland Heights)
Defendant)

CS Docket No. 00-253

In the Matter of)
)
City Signal Communications, Inc.)
Petitioner)
)
v.)
)
City of Wickliffe)
Defendant)

CS Docket No. 00-254

In the Matter of)
)
City Signal Communications, Inc.)
Petitioner)
)
v.)
)
City of Pepper Pike)
Defendant)

CS Docket No. 00-255

Reply
Comments of the Town of Arlington
In Response to Comments of
Metromedia Fiber Network Services
Of January 30, 2001

The Town of Arlington Massachusetts vigorously opposes the comments of MFNS contained in its Comments of CS Docket # 00-253, 254, and 255. Many of the allegations contained therein are misleading and border on being outright misstatements of fact.

On page 14 and 15 of its Comments to the Commission, MFNS gives its version of events leading up to its receiving a grant from the Town for use of certain public rights-of-way in order to construct a segment of conduit in 1999. As a result of great turmoil and disruption attending the excavation of Town streets by a previous telecommunication company, the Town, acting through its Town Manager, advised MFNS that it would seek to minimize the level of disruption associated with MFNS' application while nonetheless recognizing the legitimacy of MFNS' request. However, it was the Town, not MFNS, who suggested that MFNS could save at least a half million dollars by utilizing access to the bikeway rather than digging up Massachusetts Avenue for laying conduit which avenue forms the major east/west transportation corridor in the Town.

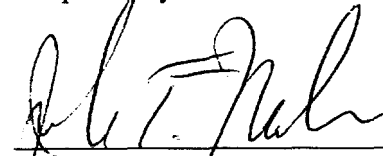
• The suggestion that the Town Manager "demanded \$2 million" is an outright prevarication. The Town Manager did indicate that the Town's playing fields were in need of about \$2 million dollars worth of renovation and the Town would gratefully accept any contribution the MFNS chose to make especially in view of the Town's suggestion to MFNS which saved it a considerable amount of money. MFNS offered the sum of \$200,000 and it was agreed that it would be only fitting that this money be earmarked for maintenance of the bike way, which by the way, although under the ownership of the Massachusetts Bay Transportation Authority, (the T) is under the day to day control of the Town by virtue of an agreement between the Town and the T.

As for the suggestion that the Town somehow delayed the process, be advised that if there were any delay it was wholly as a result of the neglect of MFNS to abide by reasonable information requests from the Town concerning such matters as the financial stability of the company to follow through in its obligation to complete the conduit construction in an appropriate and timely fashion. The inextricable failure of MFNS to provide this information was the principal reason for any delay associated with its application. In point of fact, the delay would have continued if the Town Manager did not go over the head of the local MFNS representative to his superiors in New Jersey, who being advised of the delay, flew up the next week and the matter was successfully and swiftly concluded.

The Town Manager of the Town at the time that this matter was proceeding, Donald R. Marquis, since retired, has indicated his willingness to come to Washington, at his own expense, to testify under oath as to the truth of the allegations set forth herein.

Given the perfidious conduct of MFNS the Town of Arlington respectfully suggests to this honorable Commission that any action requested by MFNS ought to be considered suspect.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "John F. Maher", written over a horizontal line.

John F. Maher
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **REPLY COMMENTS OF THE TOWN OF ARLINGTON IN RESPONSE TO COMMENTS OF METROMEDIA FIBER NETWORK SERVICES OF JANUARY 30, 2001** were served via ~~overnight delivery~~ and first class mail postage paid on this 23rd day of February, 2001, of the following:

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Feb 23, 2001
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